THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.34743 of 1998

Dated: 21.03.2007

Between:

Undru Muthyalu S/o Peddamanikyalu

..... PETITIONER

AND

Station House Officer, I.Polavaram Mandal,
East Godavari District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.34743 of 1998

ORDER:

This writ petition is filed questioning the action of the respondents in interfering with the possession of the petitioner in respect of the land admeasuring Ac.0.44 cents in R.S.No.36.62 under the guise of the impugned notices dated 26.10.1998 and 03.11.1998.

It is the case of the petitioner that one Kasi Dhanalakshmi obtained loan of Rs.40,000/- from him mortgaging the said land. She also permitted the petitioner to cultivate the said land on payment of yearly rent of Rs.3,000/-, which shall be adjusted towards the principal amount, and the petitioner shall deliver possession of the said land as and when the entire amount is paid. However, the said Kasi Dhanalakshmi could not repay the said amount and executed a Relinquishment Deed dated 15.02.1996 in favour of the petitioner, relinquishing her rights over the land mortgaged in favour of the petitioner. Since then, the petitioner

claims to have been in uninterrupted possession of the same. While so, the second respondent issued notices dated 26.10.1998 and 03.11.1998 directing the petitioner to attend before him for enquiry in respect of the said land. Petitioner also alleges that respondents 1 and 2 are also threatening him to evict from the said land. Hence, this writ petition.

Despite service of notice, respondents have not chosen to file any counter.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

A perusal of the impugned notices shows that the petitioner was asked to appear before the second respondent for enquiring into the allegations made in the representation of one Kasi Peddagalaiah with regard to the land in question. As the petitioner was asked to appear only for enquiry, the petitioner is directed to appear before the second respondent and submit his explanation as to how he came into possession of the land in question.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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21.03.2007

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